

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

DAVID DERRINGER,

Plaintiff,

vs.

Civ. No. 02-1075 MV/WDS

NEW MEXICO SUPREME COURT,
THOMAS C. TURNEY, JUDGE EDMUND
KASE III, WAYNE G. CANON, and
MICKEY and JENNIFER CHAPEL, husband
and WIFE,

Defendants.

CONSOLIDATED WITH

DAVID DERRINGER,

Plaintiff,

vs.

Civ. No. 03-0090 JP/DJS

JOHN D'ANTONIO, New Mexico State
Engineer, JOSEPH MANGES, MICKEY
CHAPEL, and JENNIFER CHAPEL,

Defendants.

MEMORANDUM OPINION AND ORDER

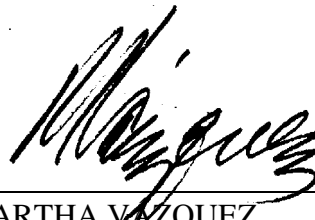
This matter comes before the Court *sua sponte*. Plaintiff David Derringer has filed a notice of bankruptcy. See Plaintiff's Notice of Filing of Bankruptcy, filed October 26, 2004, [Doc. No. 18], *Derringer v. Fitch*, Civ. No. 03-0149 MV/RLP. Upon the filing of a bankruptcy

petition, the automatic stay provision provided in 11 U.S.C. § 362 prohibits “any act to collect, assess, or recover a claim against the debtor.” The automatic stay remains in effect until the bankruptcy case is closed, dismissed, or discharge is granted or denied, or until the bankruptcy court grants some relief from the stay. 11 U.S.C. § 362(a), (c)(2), (d), (e), (f). Until one of these events has taken place, the Court cannot rule on Defendants John D’Antonio, New Mexico Supreme Court, Thomas Turney, Judge Edmund Case and Wayne Canon’s (“Governmental Defendants) pending motion for attorney’s fees.

For administrative reasons, the Court would prefer not to have the motion remain on its docket pending resolution of Plaintiff’s bankruptcy. Therefore, unless objection is received from the parties within ten days of the date of this Order, the Court will deny Governmental Defendants’ Motion for Award of Attorneys’ Fees, filed April 12, 2004, [Doc. No. 66], without prejudice and grant Governmental Defendants leave to renew their motion within thirty days of the lifting of the automatic stay in this matter.

IT IS THEREFORE ORDERED that the parties provide any objections to the Court proceeding as outlined above within ten days of the date of this Order.

Dated this 7th day of December, 2004.

A handwritten signature in black ink, appearing to read 'Martha Vazquez', written over a horizontal line.

MARTHA VAZQUEZ
U. S. DISTRICT COURT JUDGE

Attorney for Plaintiff:

David Derringer, *pro se*

Attorneys for Governmental Defendants:

Sean Olivas, Esq.